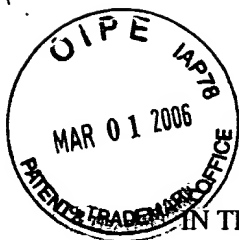


03-02-06

DAC

E16



PATENT APPLICATION

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of)
 JEDLICKA, Frederick B.)
 US Application No.: 09/981,574) Group Art Unit: 3754
 Filed: October 17, 2001) Examiner: Kaufman, Joseph A.
 For: Dispensing Apparatus with Remote Control)
)
Attorney Docket No. 73019-007)

RECEIVED
 MAR 06 2006
 OFFICE OF PETITIONS

RECEIVED
 MAR 09 2006
 TECHNOLOGY CENTER R3700

Mail Stop Petition
 Honorable Commissioner for Patents
 P.O. Box 1450
 Alexandria, VA 22313-1450

PETITION FOR STATUS INQUIRY
AND RESUMPTION OF PROSECUTION

Sir:

In accordance with 37 CFR §§1.181 and 1.182 and MPEP §§1002 and 1002.02(b), applicant hereby petitions for a formal status inquiry regarding the above referenced application and to resume prosecution of same.

The above referenced application was filed on October 17, 2001. A notice of allowance was issued by the Examiner on or about June 10, 2002. This notice of allowance was not received by applicant's attorney of record at that time. A notice of abandonment was subsequently issued on August 4, 2003, based on the applicant's failure to pay the issue fee.

On August 9, 2004, the applicant's attorney of record at that time filed a Petition for Revival of an Application for Patent Abandoned Unavoidably Under 37 CFR §1.137(a). That petition was granted by the Technology Center Director on December 21, 2004. In his decision, the Director indicated that the application would be forwarded to the Examiner for treatment of an Information Disclosure Statement filed September 17, 2002, and issuance of an Office Action reflecting treatment of the IDS. No further communications have been received since the issuance of the Director's decision. On March 25, 2005, the applicant's prior attorney of record filed a status inquiry request, which is submitted herewith as Exhibit A. However, no response was ever received.

Applicant's current attorney of record filed a revocation and new power of attorney and change of correspondence address on March 25, 2005. Following that filing, applicant's current attorney of record attempted to contact the original Examiner assigned to the application to determine

the status of the application without success. The Office's PAIR system indicates that a withdrawal publication/pre-exam abandonment was entered on June 30, 2005. Since that entry, applicant's attorney has attempted to communicate on a number of occasions with the Office to determine the status of the application without success. Copies of emails reflecting the written efforts of applicant's attorney to communicate with the Office during this time period are filed herewith as Exhibit B. On October 19, 2005, a representative of the Office indicated that the Office would be in contact once the paper application file was located and processing of the file completed. No further communication from the Office has been received, and PAIR indicates that no further action on this application has been taken.

Given that this application was filed almost four and a half years ago and has in condition for allowance as early as June of 2002, applicant respectfully requests that an inquiry be initiated into the location and status of the above referenced application file and that prosecution of the application be resumed as soon as possible.

This petition is filed under 37 CFR §1.182 directed to questions not specifically provided for. Pursuant to that section, the fee specified in 37 CFR §1.17(h) is submitted herewith.

Respectfully submitted,



H. Frederick Rusche, Reg. No. 45,061
HUSCH & EPPENBERGER, LLC
190 Carondelet Plaza, Suite 600
St. Louis, Missouri 63105
314-480-1642
314-480-1505



Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

TRANSMITTAL FORM (to be used for all correspondence after initial filing)	Application Number	09/981,574	
	Filing Date	October 17, 2001	
	First Named Inventor	Jedlicka, Frederick B.	
	Group Art Unit	3754	
	Examiner Name	Kaufman, Joseph A.	
Total Number of Pages in This Submission	6	Attorney Docket No.	73019-007

ENCLOSURES (check all that apply)

<input type="checkbox"/> Charge Deposit Account -08-3460 <input checked="" type="checkbox"/> Fee Attached <input type="checkbox"/> Amendment / Reply <input type="checkbox"/> After Final <input type="checkbox"/> Affidavits/declarations(s) <input type="checkbox"/> Extension of Time Request <input type="checkbox"/> Express Abandonment Request <input type="checkbox"/> Information Disclosure Statement <input type="checkbox"/> Certified Copy of Priority Document(s) <input type="checkbox"/> Response to Missing Parts Incomplete Application <input type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.53 <input type="checkbox"/> Petition For Revival of an Application for Patent Abandoned Unintentionally Under 37 CFR 1.137(b)	<input type="checkbox"/> Assignment Papers (for an Application) <input type="checkbox"/> Drawing(s) <input type="checkbox"/> Licensing-related Papers <input checked="" type="checkbox"/> Petition <input type="checkbox"/> Petition to Convert to a Provisional Application <input type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address <input type="checkbox"/> Terminal Disclaimer <input type="checkbox"/> Request for Refund <input type="checkbox"/> CD, Number of CD(s) _____	<input type="checkbox"/> After Allowance Communication to Group <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences <input type="checkbox"/> Appeal Communication to Group (Appeal Notice, Brief, Reply Brief) <input type="checkbox"/> Proprietary Information <input type="checkbox"/> Status Letter <input type="checkbox"/> Request To Rescind Previous Nonpublication Request <input type="checkbox"/> Response to Notice of Allowability <input type="checkbox"/> Other Enclosure(s) (please identify below):
Remarks: <input type="checkbox"/> Commissioner is hereby authorized to charge fees in this application and any fees which may be required, or any overpayment, to Deposit Account 08-3460. I have enclosed a duplicate copy of this sheet <input checked="" type="checkbox"/> Amount: \$130.00		

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

Firm or Individual Name	H. Frederick Rusche	RECEIVED MAR 09 2006 TECHNOLOGY CENTER R3700
Signature		
Date	March 1, 2006	

CERTIFICATE OF EXPRESS MAILING
Express Mail No. EV 331017891 US

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as Express Mail in an envelope addressed to: MAIL STOP Petition
Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450

Date: 03-01-06

Typed or printed name	Donna Tucker		Date	03-01-06
Signature				

This form is estimated to take 0.2 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.



PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICANT:.. Fredrick Jedlicka et al

GROUP ART UNIT: 3754

SERIAL NO.: 09/981,574

EXAMINER: Joseph A. Kaufman

FILED: October 17, 2001

DOCKET NO.: DEMA 8152 US

FOR: DISPENSING APPARATUS WITH REMOTE CONTROL

Mail Stop Status Inquiry - NO FEE

Commissioner for Patents

PO Box 1450

Alexandria, VA 22313-1450

RECEIVED
MAR 06 2006
OFFICE OF PETITIONS

STATUS INQUIRY

RECEIVED

MAR 09 2006

TECHNOLOGY CENTER R3700

1. More than 3 months have passed since

☒ PETITION TO REVIVE APPLICATION

The Petition to Revive was granted on December 21, 2004 and no Office Action has been received.

(Check and complete applicable items below)

2. Kindly advise the undersigned of the present status of this application, by checking the appropriate box below. A stamped return-addressed envelope is provided.

Respectfully submitted,

Ronald W. Hind

Ronald W. Hind Reg. No. 24,643

Polster, Lieder, Woodruff & Lucchesi, L.C.

Customer Number: 001688

12412 Powerscourt Drive

St. Louis, Missouri 63131-3615

Telephone: (314) 238-2400

Facsimile: (314) 238-2401

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to Mail Stop Status Inquiry, Commissioner for Patents, PO Box 1450, Alexandria, VA 22313-1450 on March 25, 2005.

Ronald W. Hind
Ronald W. Hind

EXHIBIT

A

STATUS INQUIRY REPLY

APPLICATION SERIAL NO. 0__ / _____ IS CURRENTLY:

☐ ASSIGNED TO GROUP _____ AND AWAITS:

☐ ACTION BY THE EXAMINER.

☐ APPLICANT'S RESPONSE TO THE OFFICE ACTION MAILED
_____.

APPEAL NO. _____.

☐ AWAITING ACTION BY THE BOARD OF PATENT APPEALS AND
INTERFERENCES

☐ DATE OF HEARING EXPECTED _____.

☐ DECISION EXPECTED _____.

Kindly acknowledge receipt hereon of Applicant's STATUS INQUIRY
(2 pages), in the matter of Fredrick Jedlicka et al, U.S. Application
No. 06/981,574, entitled DISPENSING APPARATUS WITH
REMOTE CONTROL.

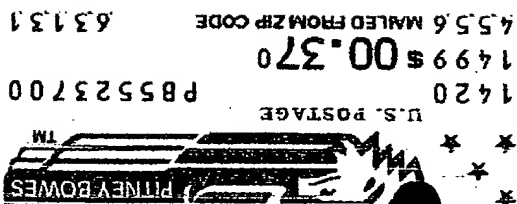
- No Fee is required

RWH/drs

DEMM 8152 US

March 25, 2005

Polster, Leder, Woodruff & Luchessa, L.C.
12412 Powerscourt Drive, Suite 200
St. Louis, Missouri 63131



Spaulding, Deb

From: Sonsteby, Karen
Sent: Monday, September 26, 2005 10:46 AM
To: 'Michael.Mar@USPTO.GOV'
Cc: Rusche, Fred; Spaulding, Deb
Subject: Pat. App. No. 09/981,574

U.S. Patent Application No. 09/981,574

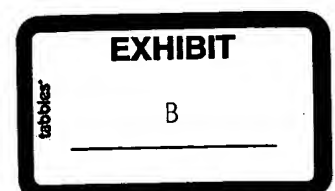
Mr. Mar:

In reference to my e-mail of September 1, 2005 for the above-referenced patent application, the USPTO PAIR website does not show any change in the status since August 11, 2005. We have not received anything from the USPTO even though the PAIR system shows that a Notice of Allowance was mailed on 06/30/2005. We need to know what the next step is for this application. Please advise.

Karen

*Karen K. Sonsteby
Legal Assistant
Husch & Eppenberger, LLC
190 Carondelet Plaza, Suite 600
St. Louis, MO 63105-3441
(314) 480-1878 Direct Dial No.*

ok for NOA
10/17/05
deb 9/26/05



Sonsteby, Karen

From: Sonsteby, Karen
Sent: Thursday, September 01, 2005 9:48 AM
To: 'michael.mar@uspto.gov'
Cc: Rusche, Fred
Subject: Status of App. No. 09/981,574

Re: Pat. App. No.: 09/981,574

We need to find out the status of our application no. 09/981,574. The USPTO PAIR website shows that the Petition to Revive Application was granted. The status shows Notice of Allowance Mailed - Application Received in Office of Publications. The file history has an entry dated 6/30/2005 that says Withdraw Publication/Pre-Exam Abandon; however, we did not receive any Notice of Abandonment. We need to know what the next step is in the prosecution of this application. Please advise.

Karen K. Sonsteby
Legal Assistant

*Karen K. Sonsteby
Legal Assistant
Husch & Eppenger, LLC
190 Carondelet Plaza, Suite 600
St. Louis, MO 63105-3441
(314) 480-1878 Direct Dial No.*

Sonsteby, Karen

From: Mar, Michael [Michael.Mar@USPTO.GOV]
Sent: Wednesday, October 19, 2005 11:27 AM
To: Sonsteby, Karen
Subject: RE: Status of Pat. App. No. 09/981,574; Our Ref.: 73019-007

We have received your email. We will contact you once we have located the paper file and completed the processing.

Michael Mar
SPE AU3754

-----Original Message-----

From: Sonsteby, Karen [mailto:Karen.Sonsteby@Husch.com]
Sent: Wednesday, October 19, 2005 11:00 AM
To: Mar, Michael
Subject: FW: Status of Pat. App. No. 09/981,574; Our Ref.: 73019-007
Importance: High

PLEASE ACKNOWLEDGE RECEIPT OF THIS E-MAIL.

-----Original Message-----

From: Sonsteby, Karen
Sent: Wednesday, October 19, 2005 9:56 AM
To: 'Michael.Mar@USPTO.GOV'
Cc: Rusche, Fred
Subject: Status of Pat. App. No. 09/981,574; Our Ref.: 73019-007
Importance: High

Re: U.S. Patent Application No. 09/981,574

Our patent application no. 09/981,574 was allowed on 06/10/2002. On 08/04/2003, the application was abandoned for failure to pay the issue fee. On 08/09/2004, our petition to revive was entered and granted on 12/21/2004. Since 12/2004, we have not received any paper from the USPTO in connection with this application.

The USPTO PAIR system that we can view shows a 06/30/2005 entry "Withdraw Publication/Pre-Exam Abandon"; however we did not receive any paper corresponding to this entry. Please find out the status of this application and let us know.

*Karen K. Sonsteby
Legal Assistant
Husch & Eppenger, LLC
190 Carondelet Plaza, Suite 600
St. Louis, MO 63105-3441
(314) 480-1878 Direct Dial No.*

Sonsteby, Karen

From: Sonsteby, Karen
Sent: Wednesday, October 19, 2005 10:00 AM
To: 'Michael.Mar@USPTO.GOV'
Subject: FW: Status of Pat. App. No. 09/981,574; Our Ref.: 73019-007

Importance: High

PLEASE ACKNOWLEDGE RECEIPT OF THIS E-MAIL.

-----Original Message-----

From: Sonsteby, Karen
Sent: Wednesday, October 19, 2005 9:56 AM
To: 'Michael.Mar@USPTO.GOV'
Cc: Rusche, Fred
Subject: Status of Pat. App. No. 09/981,574; Our Ref.: 73019-007
Importance: High

Re: U.S. Patent Application No. 09/981,574

Our patent application no. 09/981,574 was allowed on 06/10/2002. On 08/04/2003, the application was abandoned for failure to pay the issue fee. On 08/09/2004, our petition to revive was entered and granted on 12/21/2004. Since 12/2004, we have not received any paper from the USPTO in connection with this application.

The USPTO PAIR system that we can view shows a 06/30/2005 entry "Withdraw Publication/Pre-Exam Abandon"; however we did not receive any paper corresponding to this entry. Please find out the status of this application and let us know.

*Karen K. Sonsteby
Legal Assistant
Husch & Eppenberger, LLC
190 Carondelet Plaza, Suite 600
St. Louis, MO 63105-3441
(314) 480-1878 Direct Dial No.*

Sonsteby, Karen

From: Sonsteby, Karen
Sent: Wednesday, October 19, 2005 9:56 AM
To: 'Michael.Mar@USPTO.GOV'
Cc: Rusche, Fred
Subject: Status of Pat. App. No. 09/981,574; Our Ref.: 73019-007

Importance: High

Re: U.S. Patent Application No. 09/981,574

Our patent application no. 09/981,574 was allowed on 06/10/2002. On 08/04/2003, the application was abandoned for failure to pay the issue fee. On 08/09/2004, our petition to revive was entered and granted on 12/21/2004. Since 12/2004, we have not received any paper from the USPTO in connection with this application.

The USPTO PAIR system that we can view shows a 06/30/2005 entry "Withdraw Publication/Pre-Exam Abandon"; however we did not receive any paper corresponding to this entry. Please find out the status of this application and let us know.

*Karen K. Sonsteby
Legal Assistant
Husch & Eppenberger, LLC
190 Carondelet Plaza, Suite 600
St. Louis, MO 63105-3441
(314) 480-1878 Direct Dial No.*

Sonsteby, Karen

From: Sonsteby, Karen
Sent: Tuesday, November 15, 2005 9:10 AM
To: 'Michael.Mar@USPTO.GOV'
Subject: Status of Pat. App. No. 09/981,574; Our Ref.: 73019-007

Importance: High

This is a reminder that we are still waiting for the status of our application. The USPTO PAIR website still shows a "Notice of Allowance Mailed"; however, we have not received this notice. Our patent application no. 09/981,574 was allowed on 06/10/2002. On 08/04/2003, the application was abandoned for failure to pay the issue fee. On 08/09/2004, our petition to revive was entered and granted on 12/21/2004. Since 12/2004, we have not received any paper from the USPTO in connection with this application. The last entry by the USPTO is dated 06/30/2005 showing "withdraw publication/pre-exam abandon" but we have not received any paper corresponding to this entry.

Please find out the status of this application and let us know.

PLEASE ACKNOWLEDGE RECEIPT OF THIS COMMUNICATION.

Karen K. Sonsteby
Legal Assistant
Husch & Eppenberger, LLC
190 Carondelet Plaza, Suite 600
St. Louis, MO 63105-3441
(314) 480-1878 Direct Dial No.